

## REMARKS

Reconsideration and further examination of the above-identified application are respectfully requested in view of the accompanying amendments, and the discussion that follows. Claims 1-30 are pending in this application. Claims 1-10, 13-17 and 19-29 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Pat. No. 6,724,887 to Eilbacher et al. (“Eilbacher”) in view of Armstrong (U.S. Pat. No. 6,355,633) further in view of Ulrich (U.S. Pat. No. 6,895,438). Claims 11 and 12 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Eilbacher, Armstrong and Ulrich in view of U.S. Pat. No. 5,621,789 to McCalmont et al. (“McCalmont”). Claims 18 and 30 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Eilbacher, Armstrong and Ulrich further in view of Ichbiah (U.S. Pat. No. 5,623,406). Claims 1, 2, 12, 13, 25 and 27 have been amended. After a careful review of the claims and references, it is believed that the claims are now in allowable form and a Notice of Allowance is respectfully requested.

Claims 1, 13 and 25 have been amended for clarification. Claim 2 has been amended call for assigning the transmission type to each transmission within the transaction (see, e.g. p. 11, lines 27-29), and claim 27 has been amended to call for assigning a new transaction from the same client to the same agent (see, e.g. p. 7, lines 1-7).

All independent claims 1, 13, and 25, as well as dependent claims 2-10, 14-17, 19-24 and 26-29 have been rejected as obvious over Eilbacher in view Armstrong and Ulrich. Eilbacher is directed to a call center which records and analyzes parameters of telephone calls to determine the customer experience. Eilbacher, however, does not deal with the effective effort of data communications. As described in the instant patent application (at p. 10, lines 1-12 and 22-32), merely measuring time of use of the channel for telephone calls is known but asynchronous transactions are dramatically different because of the nature of the transaction. As described by applicant (p. 10, lines 12-21) asynchronous transactions are data transactions that are for the most part intermittent and in which the data is created first and then transmitted afterward. Thus, it is difficult to determine how long the transaction actually required because the transaction may include exchanges over hours or days while the actual transactions (which may be the result of much effort in, for example, drafting an e-mail) take only very short periods of time (e.g., milliseconds) with long delays in between. Eilbacher does not recognize or address this issue at

all.

Independent claims 1, 13, and 25 recite measuring "...an effort value which reflects effective effort to respond to each transmission within each transaction and have been amended to call for determining and displaying a total effort value for each transaction (see e.g., p. 13, lines 15-23). The Office Action concedes that Eilbacher does not teach measuring indicia of activity of asynchronous transactions, measuring an effort value which reflects effort associated with each asynchronous transmission or determining a total effort value. However, the Office Action asserts that Armstrong in Col. 10, lines 1-16 discloses measuring an effort value that represents effective effort to respond to each transmission within each transaction calculated to reflect time to evaluate and prepare a response and is independent of duration of actual transaction channel occupancy, and determining a total effort value for each transaction based on effort values. However, Armstrong merely describes a system for processing electronic mail. The cited passage at Col. 10, lines 1-15 merely describes that e-mail reports are generated to include statistics such as average time between e-mail receipt and response, average message handling time per agent, or average handling time per mailbox. There is no disclosure of the claimed measuring of an effective effort value independent of actual time representing effective effort for each transmission, or of determining a total effort for each transaction based on the effort values. Armstrong's disclosure concerns actual time duration not the claimed effort value. Therefore, Armstrong's reports of the time duration measures are unrelated to the claimed effort value. The claimed invention instead concerns a measure of the effective effort needed for a call center agent to respond to each transmission which is then used to obtain a total effort value which includes evaluating, and preparing a reply such as an e-mail. Armstrong does not concern these issues.

Thus, Eilbacher and Armstrong and the other references of record do not disclose the claimed effort value feature or that it represents effort to respond to each transmission within each transaction, and therefore independent claim 1, 13, and 25 are distinguishable over the combination as are claims 2-12, 14-24, and 26-30 which depend therefrom. In addition, Eilbacher and Armstrong cannot properly be combined because Eilbacher does not concern measuring and reporting effective effort instead of actual time to respond to non-contiguous transmissions within an asynchronous transaction. There is no teaching or suggestion in either reference to measure and compile an effective effort measure associated with handling

asynchronous transactions within a call center, as claimed. The references also do not disclose determining and displaying a total effort value based on the effort values, as claimed. Thus, all rejected claims 1-30 are allowable over all of the cited references.

Claims 4 and 16 have also been rejected as obvious over Eilbacher, Armstrong and Ulrich. Claims 4 and 16 both recite counting of the “number of exchanges between the agent and the client.” The Office Action asserts that Eilbacher teaches counting the number of exchanges at Col. 10, lines 4-17. However, Eilbacher merely refers to recording “interaction during the call” which refers to the fact that the single call is recorded along with transfers and holds. (Col. 10, lines 13-18). The cradle to grave term is defined by Eilbacher to refer to the fact that the call is recorded from the time it enters the contact center and the time the caller hangs up. Thus, this is clearly a single synchronous call, not a series of asynchronous exchanges and there is no description or suggestion of counting any such synchronous exchanges (since it is one contiguous call). In fact, there is no mention of counting at all. Thus, Eilbacher does not disclose the claimed “counting” of asynchronous exchanges. This counting feature is also not disclosed by any of the other cited references. Thus, claims 4 and 16 are further distinguishable over all the cited references and are therefore allowable over all the cited references.

Claim 11 has been rejected as obvious over Eilbacher, Armstrong, Ulrich, and McCalmont. The Office Action asserts that McCalmont displays a total effort in real time in Fig. 5b. However, as described in Col. 6, line 61-Col. 7, line 13, Fig. 5b only shows the number of inbound calls 102; target number of calls 104; average talk time 108, target level 110; average wrap up time and target 112, 114; similar outbound statistics and target 116, 118; and idle time statistics and targets 120, 122. There is no disclosure of a total effort value. Thus, claim 11 is further distinguishable as well.

Claims 18 and 30 have also been rejected as obvious in view of Eilbacher, Armstrong and Ulrich in view of Ichbiak. However, none of the references discloses the claimed effort value, or basing it on how long a transmission would require if spoken. The mere mention in Ichbiak that speech is 100 words per minute does not teach or suggest the claimed feature of creating an effective effort measure based upon how long it would take if spoken. Thus, claims 18 and 30 are further distinguishable over the cited references.

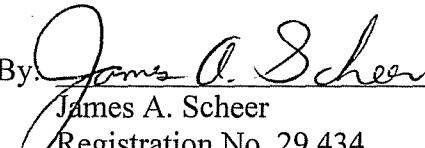
As discussed above, claims 1-30 are not anticipated or rendered obvious by any combination of the cited references. Therefore, allowance of claims 1-30 is believed to be in

order and such action is respectfully requested. Should the Examiner be of the opinion that a telephone conference would expedite prosecution of the subject application, he is respectfully requested to telephone applicant's undersigned attorney.

The Commissioner is hereby authorized to charge any additional fee which may be required for this application under 37 C.F.R. §§ 1.16-1.18, including but not limited to the extension of time fee, petition fee, issue fee, extra claims fee, or credit any overpayment, to Deposit Account No. 23-0920. Should no proper amount be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 23-0920.

Respectfully submitted,

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